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			EXAMINER
24628 7590 09/02/2005			LANIER, BENJAMIN E

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2132	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 November 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
or nonobviousness.

3.   Claims 1-9, 13-29, 32-39, 42-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sonesh, U.S. Patent No. 6,046,762, in view of Schuster, U.S. Patent No.

6,857,072. Referring to claim 1, Sonesh discloses a call distribution system wherein a client

places a call to an ACD agent and the caller's identity is determined from data included in the

packet (Col. 7, lines 12-21), which meets the limitation of a customer data processor configured

to handle two way communication between the customer and the agent of the ACD, the customer

data processor configured to store and process customer data provided by the customer, the

customer data processor configured to transmit the customer data to the ACD upon receiving a

predetermined signal. Sonesh does not disclose that the client transmission is encrypted. Schuster

discloses a system for enabling encryption and authentication in a PSTN network (Abstract),

which meets the limitation of the telephonic communication device encrypting the customer data

and transmitting the encrypted customer data to the ACD upon receiving a predetermined signal.

The system also provides for decryption of the transmitted encrypted data (Col. 17, lines 56-67),

which meets the limitation of a customer data interpreter operatively coupled to the ACD for

receiving and decrypting the encrypted customer data to facilitate presentation of the customer

data to the agent. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to encrypt the client transmissions of Sonesh in order to more safely

transmit sensitive data across the network as taught by Schuster (Col. 3, lines 32-36).

Referring to claim 2, Sonesh discloses that the ACD transmits a signal to the client for

customer data (Col. 7, lines 21-22).

Referring to claims 3, 4, Sonesh discloses that the customer identification is sent prior to

two-way communications (Col. 7, lines 17-20), which also meets the limitation of automatically

transmitted to the agent of the ACD prior to a voice communication between the customer and

the agent.

Referring to claims 5, 6, Sonesh discloses that customer identification can be sent during

two-way communications (Col. 7, lines 61-63), which would also meet the limitation of the

customer data being sent to the ACD substantially simultaneously with the two-way

communication.

Referring to claim 7, Sonesh discloses that customer identification can be sent after a

voice communication (Col. 7, lines 64-65), which meets the limitation of customer data is

automatically transmitted to the agent of the ACD after voice communication between the

customer and the agent has terminated

Referring to claim 8, Sonesh disclose that the customer identification information is transmitted in the initial transmission (Col. 7, lines 17-20), which meets the limitation of the customer issues the predetermined signal to facilitate automatic transmission of the customer data to the ACD.

Referring to claim 9, Sonesh discloses that the identification information is the client's name (Col. 7, line 21).

Referring to claims 13-15, Sonesh discloses the network transmits data packets that contain voice information (Col. 7, lines 58-65), but does not specifically disclose that the network is a VOIP network. Schuster discloses that the data network in the encryption/authentication system is a VOIP network (Col. 5, lines 7-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the data network of Sonesh to be a VOIP network because the data network of Sonesh is a data network that transmits voice packets which is VOIP network as described in Schuster (Col. 5, lines 5-9).

Referring to claim 16, Sonesh discloses the client is equipped with a computer and modem (Col. 7, lines 12-15).

Referring to claim 17, Sonesh discloses that the network access is possible through POTS lines (Col. 5, lines 19-21).

Referring to claims 18, Sonesh discloses that customer data can be entered using a telephone DTMF dial pad (Col. 7, lines 64-65), which meets the limitation of customer data processor transmits the customer data using a plurality of DTMF tones.

Referring to claims 19, 20, Sonesh discloses that the client telephone can be mobile (Col. 9, lines 19-24), which also meets the limitation of the customer data processor is contained within the mobile telephone.

Referring to claim 21, Sonesh does not disclose that the user device is a PDA, but Schuster discloses that the user device in the encryption/authentication system is a PDA (Col. 5, lines 59-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the client computer/telephone implementation of Sonesh (Figure 1) to be a PDA because the PDA as described in Schuster (Col. 5, lines 50-64) contains all the desired functionality of the desired implementation of Sonesh in one device instead of using several (Sonesh, Figure 1).

Referring to claim 22, Sonesh discloses a call distribution system wherein a client places a call to an ACD agent and the caller's identity is determined from data included in the packet (Col. 7, lines 12-21), which meets the limitation of a telephonic communication device configured to handle two way communication between the customer and the agent of the ACD, a customer data processing means for storing and processing customer data provided by the customer, the customer data processing means operatively coupled to the telephonic communication device. Sonesh does not disclose that the client transmission is encrypted. Schuster discloses a system for enabling encryption and authentication in a PSTN network (Abstract), which meets the limitation of the telephonic communication device encrypting the customer data and transmitting the encrypted customer data to the ACD upon receiving a predetermined signal. The system also provides for decryption of the transmitted encrypted data (Col. 17, lines 56-67), which meets the limitation of a customer data interpreter operatively

coupled to the ACD for receiving and decrypting the encrypted customer data to facilitate

presentation of the customer data to the agent. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to encrypt the client transmissions of Sonesh in

order to more safely transmit sensitive data across the network as taught by Schuster (Col. 3,

lines 32-36).

Referring to claim 23, Sonesh discloses a call distribution system wherein a client places

a call to an ACD agent and the caller's identity is determined from data included in the packet

(Col. 7, lines 12-21), which meets the limitation of a telephonic communication device adapted

to handle two way communication between the customer and the agent of the ACD, a customer

data processor operatively coupled to the telephonic communication device for storing and

processing customer data provided by the customer, the telephonic communication device

configured to transmit the customer data to the ACD upon receiving a predetermined signal.

Sonesh does not disclose that the client transmission is encrypted. Schuster discloses a system

for enabling encryption and authentication in a PSTN network (Abstract), which meets the

limitation of a data encryption device operatively coupled to the customer data processor and

configured to encrypt the customer data. The system also provides for decryption of the

transmitted encrypted data (Col. 17, lines 56-67), which meets the limitation of a customer data

interpreter operatively coupled to the ACD configured to receive and decrypt the encrypted

customer data and present the customer data to the agent. Schuster discloses that the data

network in the encryption/authentication system is a VOIP network (Col. 5, lines 7-9). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

encrypt the client transmissions of Sonesh in order to more safely transmit sensitive data across

the network as taught by Schuster (Col. 3, lines 32-36).

Referring to claim 24, Sonesh discloses a call distribution system wherein a client places

a call to an ACD agent and the caller's identity is determined from data included in the packet

(Col. 7, lines 12-21), which meets the limitation of storing customer data provided by customer,

in a customer data processor of the telephonic communication device, the customer data

processor operatively coupled to the telephonic communication device, transmitting the customer

data to the ACD upon receiving a predetermined signal. Sonesh does not disclose that the client

transmission is encrypted. Schuster discloses a system for enabling encryption and authentication

in a PSTN network (Abstract), which meets the limitation of encrypting the customer data. The

system also provides for decryption of the transmitted encrypted data (Col. 17, lines 56-67),

which meets the limitation of receiving and decrypting the customer data by a customer data

interpreter, the customer data interpreter operatively coupled to the ACD, presenting the

decrypted customer data to the agent of the ACD. Schuster discloses that the data network in the

encryption/authentication system is a VOIP network (Col. 5, lines 7-9), which would meet the

limitation of providing a VOIP communication device, the VOIP communication device adapted

to handle communication between the customer and the agent of the ACD. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to encrypt the client

transmissions of Sonesh in order to more safely transmit sensitive data across the network as

taught by Schuster (Col. 3, lines 32-36).

Referring to claim 25, Sonesh discloses that the ACD transmits a signal to the client for

customer data (Col. 7, lines 21-22).

Referring to claim 26, Sonesh discloses that the customer identification is sent prior to

two-way communications (Col. 7, lines 17-20).

Referring to claim 27, Sonesh disclose that the customer identification information is

transmitted in the initial transmission (Col. 7, lines 17-20), which meets the limitation of the

customer issues the predetermined signal to facilitate automatic transmission of the customer

data to the ACD.

Referring to claim 28, Sonesh discloses that the identification information is the client's

name (Col. 7, line 21).

Referring to claim 32, Sonesh discloses that the network access is possible through POTS

lines (Col. 5, lines 19-21).

Referring to claims 33, Sonesh discloses that customer data can be entered using a

telephone DTMF dial pad (Col. 7, lines 64-65), which meets the limitation of customer data

processor transmits the customer data using a plurality of DTMF tones.

Referring to claim 34, Sonesh discloses that the client telephone can be mobile (Col. 9,

lines 19-24).

Referring to claim 35, Sonesh does not disclose that the user device is a PDA, but

Schuster discloses that the user device in the encryption/authentication system is a PDA (Col. 5,

lines 59-61). It would have been obvious to one of ordinary skill in the art at the time the

invention was made for the client computer/telephone implementation of Sonesh (Figure 1) to be

a PDA because the PDA as described in Schuster (Col. 5, lines 50-64) contains all the desired

functionality of the desired implementation of Sonesh in one device instead of using several

(Sonesh, Figure 1).

Referring to claim 36, Sonesh discloses a call distribution system wherein a client places

a call to an ACD agent and the caller's identity is determined from data included in the packet

(Col. 7, lines 12-21), which meets the limitation of a customer processing means configured to

handle two-way communication between the customer and the agent of the ACD, the customer

processing means configured to store and process customer data provided by the customer, the

customer processing means configured to transmit the customer data to the ACD upon receiving

a predetermined signal. Sonesh does not disclose that the client transmission is encrypted.

Schuster discloses a system for enabling encryption and authentication in a PSTN network

(Abstract), which meets the limitation of means for encrypting the customer data, the means for

encrypting operatively coupled to the customer processing means. The system also provides for

decryption of the transmitted encrypted data (Col. 17, lines 56-67), which meets the limitation of

a customer interpreter operatively coupled to the ACD for receiving and decrypting the

encrypted customer data to facilitate presentation of the customer data to the agent. Schuster

discloses that the data network in the encryption/authentication system is a VOIP network (Col.

5, lines 7-9), which would meet the limitation of providing a VOIP communication device, the

VOIP communication device adapted to handle communication between the customer and the

agent of the ACD. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to encrypt the client transmissions of Sonesh in order to more safely

transmit sensitive data across the network as taught by Schuster (Col. 3, lines 32-36).

Referring to claim 37, Sonesh discloses that the ACD transmits a signal to the client for

customer data (Col. 7, lines 21-22).

Referring to claim 38, Sonesh disclose that the customer identification information is transmitted in the initial transmission (Col. 7, lines 17-20).

Referring to claim 39, Sonesh discloses that the identification information is the client's name (Col. 7, line 21).

Referring to claims 42-44, Sonesh discloses the network transmits data packets that contain voice information (Col. 7, lines 58-65), but does not specifically disclose that the network is a VOIP network. Schuster discloses that the data network in the encryption/authentication system is a VOIP network (Col. 5, lines 7-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the data network of Sonesh to be a VOIP network because the data network of Sonesh is a data network that transmits voice packets which is VOIP network as described in Schuster (Col. 5, lines 5-9).

Referring to claim 45, Sonesh discloses that the client telephone can be mobile (Col. 9, lines 19-24).

Referring to claim 46, Sonesh discloses that the network access is possible through POTS lines (Col. 5, lines 19-21).

4.   Claims 10-12, 30, 31, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh, U.S. Patent No. 6,046,762, in view of Schuster, U.S. Patent No. 6,857,072 as applied to claims 1, 24, 29, 36 above, and further in view of Creswell, U.S. Patent No. 6,823,318. Referring to claims 10-12, 30, 31, 40, 41, Sonesh discloses a call distribution system wherein a client places a call to an ACD agent and the caller's identity is determined from data included in the packet (Col. 7, lines 12-21). Sonesh does not disclose that the ACD agent identifier determines the transmitted caller identity information (Col. 7, lines 12-21). Creswell discloses a

secure purchasing system wherein a purchaser receives the identity of a vendor when attempting

to purchase a specific item (Col. 3, lines 24-56). The purchaser information that is transmitted to

the vendor server is determined by the security association with the purchaser and that vendor

server (Col. 4, line 7 – Col. 5, line 20), which meets the limitation of a vendor identification code

transmitted to the customer data processor, the vendor identification code identifying a specific

vendor associated with the communication between the customer and the agent, the customer

data processor assigns one of a plurality of security levels to the vendor identification code, all of

the customer data is transmitted to the agent if the vendor identification code is assigned the first

security level, a portion of the customer data is transmitted to the agent if the vendor

identification code is assigned the second security level, and non of the customer data is

transmitted to the agent if the vendor identification code is assigned the third security level. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

determine what client information in Sonesh, the client decided to transmit based on the specific

agent in order to allow the client the ability to remain anonymous to a specific vendor as taught

in Creswell (Col. 1, lines 45-48).

Drawings

5.   New corrected drawings are required in this application because lines, letters, and

numbers are not uniformly thick and well defined, clean, durable, and black. Applicant is advised

to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent

and Trademark Office no longer prepares new drawings. The corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The requirement for corrected

drawings will not be held in abeyance.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th0 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin E. Lanier